

The Commonwealth of Massachusetts

Town of Northborough

Board of Health

Horse and Stable Regulations

A) Authority

The Board of Health, Town of Northborough, Massachusetts, acting under the authority of Ch.111, sec. 31 and 155 of the General Laws, and any amendments or additions thereto enabling, have in the interest of and for health, duly made and adopted the following regulations for the establishment, maintenance and operation of stables within the Town.

B) Register

All horses kept within the Town of Northborough must be registered with the Board of Health – no fee required. Registration to include certification as prescribed in Paragraph 3.2

C) General

No horse shall be maintained in the Town of Northborough except in a private stable and in compliance with these Regulations.

1. Definitions

- 1.1 (i) Private stable means a stable other than a public stable.
- 1.1 (ii) Public stable is a place where horses and/or riding instruction are provided for a fee. If no fee, a stable where three or more horses are kept, provided the occupants/owners of the horses reside at different locations. Section 7 of this Regulation contains provisions relating specifically to public stables.
- 1.2 Abutters are the owners, tenants or other occupants of property which adjoins the lot on which horses are to be kept, whether or not such properties are separated by a public or private way.
- 1.3 Owner(s) means any person who has legal title to, or care, charge or control of, the premises on which a stable is located.
- 1.4 Stable means a building or structure(s) in which horses are sheltered or fed.

- 1.5 Stall means a compartment, in a stable, used for the keeping of a horse or horses.
- 1.6 Wetland resource area means any wet meadows, marshes, swamps, bogs or areas of standing or flowing water.
- 1.7 Corral means a paddock or fenced enclosure for confining horses.
- 1.8 Manure means fecal material discharged from a horse.

2. Private Stable Permits

- 2.1 Any private stable proposed to be constructed or substantially (25% or more) expanded in size must first be granted a private stable permit by the Board of Health as meeting the requirements of Sections 4 and 5 of these Regulations. Expansions of less than 25% shall be cumulated.
- 2.2 An applicant applying for a private stable permit as required by Section 2.1 after the adoption of these Regulations shall submit a written application on forms provided by Board of Health, together with a filing fee of \$50.00. The applicant shall be the person maintaining the private stable, whether as owner or occupant. The application shall be accompanied by a plot plan drafted roughly to scale showing lot or parcel where the building to be used as a stable is located, general contour and drainage of the plot, and proposed stable plan showing: (a) the layout, arrangement and construction schematic of the stable, (b) the location of any wetlands, drains or known sources of water supply within 200 feet of the stable, (c) the type, location and dimension of the fencing, (d) areas to be used as storage and handling of manure and feed materials (e) number and type of animals to be kept in proposed stable; and (f) such other data as the Board of Health may request. A private stable permit pursuant to these regulations will be issued by the Board of Health if the applicant meets the requirements of these regulations. A public hearing on the issuance of a private stable permit may be held at the discretion of the Board of Health. If a hearing is held, all abutters shall be notified by the Board of Health by certified mail at least 10 days prior to the date of the hearing. Licenses issued will expire one year from the date of issuance. Applications for renewal must be filed on form approved by the Board of Health, specifying changes made, accompanied by a \$40.00 licensing fee.
- 2.3 No private stable permit shall be issued unless the zoning authority certifies to Board of Health that such private stable will not be in conflict with the existing zoning laws.
- 2.4 A private stable permit may be transferred to a new owner or occupant of the premises by written notice to the Board of Health from the transferor and the transferee, accompanied by a \$20.00 fee.

- 2.5 A private stable which is “grandfathered” under the Regulations adopted May 2, 1990 shall continue to have the benefit of that grandfathering (i.e. having a permit under the Regulations in effect prior to May 2, 1990) to the extent applicable, so long as said stable has been operating satisfactorily prior to the effective date of these Regulations.

3. Keeping of Horses (Private Stables)

- 3.1 No horse shall be maintained in any corral having an area of less than 5,000 square feet or, if more, less than 2,000 square feet per horse. The corral and paddock shall be adequately sloped to minimize standing water.
- 3.2 All horses shall be maintained in a clean and healthy condition. In addition, all horses shall be required to have a certificate of inoculation against equine encephalitis and tetanus provided by a licensed veterinarian, and such other immunizations as required by the Division of Animal Health, Department of Agriculture, Commonwealth of Massachusetts. Said certificate or copy thereof shall be filed with registration of the horse, as required in Section B.

4. Private Stable Location

(Applicable for permits issued after the adoption of these Regulation)

- 4.1 A stable shall be located (a) not less than 50 feet from any abutter’s property line or 150 feet from a dwelling not occupied by the owner or operator of a stable; (b) not less than 35 feet from the owner’s dwelling; (c) not less than 50 feet from the high water mark of any brook, stream, river, pond or drainage easement, and (d) not less than 100 feet from any source of public or private drinking water supply. The applicant must review the stable location with the Conservation Commission.

5. Private Stable Construction

(Applicable for permits issued after the adoption of these Regulations)

- 5.1 The minimum requirement for a stable shall be an open shed, offering adequate protection, with a weatherproof roof and three sides, enough head room for the horse to be housed, and flooring shall be kept clean and dry, with proper drainage provided (4 horses per 15’x30’). The stable shall be provided with adequate light and ventilation. All building construction shall be in conformance with local Building and Fire Prevention regulations.
- 5.2 A frost free supply of potable water shall be available at or near the stable for feeding, cleaning and fire protection purposes.
- 5.3 The corral shall be adequately fenced. Fencing may be of wood, smooth woven wire with an opening no greater than 4 inches, charged electric wire, or other suitable material accepted by the industry. Barbed wire shall not be used. If the fence is charged, there shall be at least one warning label where the fence is located on street frontage, and at 50-foot intervals if the frontage exceeds 100

feet. The top barrier of the fence shall be at least 4 feet high. If corral is not grassed, dust control measures shall be taken. All animals maintained under the terms of this license must be kept under control at all times.

- 5.4 Property barriers, such as appropriate fencing or closely planted trees, shall be installed, or other appropriate measures taken, on lots where it is necessary to discourage neighborhood children from wandering into the area of the stable, or on lots where the location of the stable will ordinarily interfere with the comfortable enjoyment of an abutter's property.
- 5.5 A private stable shall not be used for human habitation except with written permission from the Board of Health. If so permitted, such quarters shall meet the requirements of the Mass. Sanitary Code Article II (Fitness for human habitation).

6. Sanitary Maintenance (Private Stables)

- 6.1 The stable shall be maintained free of unsanitary conditions. Unsanitary conditions are those which, in the opinion of the Board of Health, result in or are conducive to (a) breeding of flies, (b) creation of offensive odors, (c) vermin (including flies, lice, mice, mosquitoes and rats) infestation, (d) liquid effluent, (e) runoff, or (f) disease carriers, in such concentrations and of such duration as to: (1) cause a nuisance, or (2) be injurious or potentially injurious to human health.
- 6.2 Manure shall be stored in such a manner and location that there can be no drainage or runoff into any wetlands resource area. No more than two cords (8x8x16 feet) of manure and used bedding shall be accumulated at the storage area. Manure shall not be allowed to accumulate for more than two weeks between May 1st and November 1st, and in no case shall the total quantity exceed two cords without variance from the Board of Health. However, the dimensions and/or drainage conditions of any particular lot may, in the opinion of the Board of Health, require more frequent off-property disposal of manure. During warm weather, manure shall be treated with lime or superphosphate or other appropriate material to minimize odors and be treated with approved insecticides for fly control. Manure shall be removed from the stall at least daily and shall be placed in the manure storage area.
- 6.3 Effluent containing urine and/or fecal matter from horses shall not be discharged in runoff, or permitted to flow over the surface of the ground.
- 6.4 Insect control techniques should be practiced with particular attention to the interior and exterior walls, ceilings, and stall areas and to the exterior of the stable building in order to control fly populations. Space sprays and resin strips impregnated with insecticide may also be used, as well as noninsecticidal methods.

- 6.5 Any feed that is stored on, at or proximate to the stable shall be stored in closed, moisture and vermin resistant containers.
- 6.6 The remains of a dead horse shall not be buried at the stable except in a hole, (i) the bottom of which shall be minimum of four feet above high water; (ii) covered with at least six feet of compact dirt, and (iii) located at least fifteen feet from any lot line and 100 feet from any wetland or well. The Board of Health must be notified of the death of the animal and of the proposed burial site in advance, except that if unable to contact the Board of Health in a timely manner on weekends and holidays, then the remains may be buried in accordance with the restrictions outlined above and the Board of Health notified on the first working day following. The remains may be disposed of off-stable in compliance with applicable laws.

7. Public Stables

Section 2 through 6 of these Regulations shall be applicable to public stables as if all references therein to private stables were to public stables, with the following modifications:

- 7.1 The fee for a public stable permit shall be \$200.00, renewable annually each January 1st, and the fee for transfer of a public stable permit shall be \$100.00.
- 7.2 In addition to the numerical limitations of Section 3.1, the minimum lot size shall be 5 acres and the maximum number of horses at a public stable shall be 10.
- 7.3 The distance as set forth in Section 4.1 shall be not less than 100 feet from (a) any abutter's property line, and (b) the high water mark of any brook, stream, river, pond or drainage easement, or any source of public or private drinking water supply.
- 7.4 In addition to the requirements of Section 5, a public stable shall have public restrooms, meeting the requirements of Title 5 and (except for portable toilets) the Massachusetts Plumbing Code, available to customers and employees. The public restrooms may be in a residence.

8. Compliance and Penalties

- 8.1 The owner and/or occupant of the premises on which horses are kept will be responsible for compliance with these Regulations.
- 8.2 The Board of Health may vary the application of any provision of these Regulations with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice; provided, that the decision of the Board of Health shall not conflict with the spirit of these minimum standards. Any variance granted by the Board of Health shall be in writing. A copy of any

such variance shall, while it is in effect, be available to the public at the office of the Board of Health. When a variance is granted, the conditions of it and specific bases for it must be listed on the stable license, M.G.L. Ch. 111, sec. 157.

- 8.3 Whoever violates any of these rules and regulations may be fined from five (\$5.00) dollars but not exceeding one hundred (\$100.00) dollars per day as set by the Board of Health, depending on the severity of the violation, and may also be subject to suspension or revocation of stable permit, when the Board of Health finds such suspension or revocation necessary to protect public health. Punishment shall be prescribed under M.G.L. Ch. 111, sec. 157, and any amendments or additions thereto or any other applicable statute.
- 8.4 The person to whom a stable permit is issued under these Regulations agrees, by acceptance of such stable permit, to reimburse the Town of Northborough on demand for all legal fees incurred by the Town of Northborough in connection with enforcing these Regulations against such person if the stable permit holder is found in violation.

Adopted May 2, 1990

Amended September 9, 1998